

**DEC 19 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

CHRIS NUFFER, individually and in her  
capacity as director and member of the  
governance committee of the Molalla  
Alternative Options School,

Plaintiff - Appellant,

v.

MOLALLA RIVER SCHOOL DISTRICT, a  
municipal corporation; ALICE ERICKSEN;  
ALAN WILLEY; JAY KOSIK,

Defendants - Appellees.

No. 02-35974

D.C. No. CV-01-00762-GMK

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Garr M. King, District Judge, Presiding

Argued and Submitted December 5, 2003  
Seattle, Washington

Before: KLEINFELD, GOULD, and TALLMAN, Circuit Judges.

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Chris Nuffer appeals the district court's grant of summary judgment in favor of her former employer, the Molalla River School District ("District"), and District individuals in this 42 U.S.C. § 1983 action. We affirm.

We review a district court's grant of summary judgment de novo. *Suzuki Motor Corp. v. Consumers Union of U.S., Inc.*, 330 F.3d 1127, 1131 (9th Cir. 2003). Summary judgment on Nuffer's First Amendment claim was appropriate because she failed to prove that the District's decision to terminate her was substantially motivated by her speech regarding charter school status and funding issues at Molalla Alternative Options School. *See Pool v. VanRheen*, 297 F.3d 899, 906 (9th Cir. 2002).

We also affirm the district court's grant of summary judgment on Nuffer's claim for retaliation under the Rehabilitation Act. Because Nuffer failed to establish any causal connection between her advocacy for disabled students and her subsequent termination for neglect of duty, summary judgment on her Rehabilitation Act claim was appropriate.

We review the district court's determination of Nuffer's state law whistleblower claim de novo. *See Dorr v. County of Butte*, 795 F.2d 875, 876–77 (9th Cir. 1986) (citation omitted). Nuffer's claim fails because she did not provide

sufficient evidence to establish that the District discharged her in response to her complaints about possible funding or charter school status violations.

**AFFIRMED.**